IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

OP.No. 24366 of 2000(A)

PETITIONER:

S.HEMA, SREEVILAS
KODUNGANNUR P.O.,
VATTIYOORKAVU,
TRIVANDRUM-31.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS:
---

1. THE SECRETARY, LOCAL ADMINISTRATION GOVERNMENT OF KERALA, TRIVANDRUM.

2. THE SECRETARY, VATTIYOORKAVU GRAMA PANCHAYAT, TRIVANDRUM DIST.

3. THE SECRETARY, TRIVANDRUM DEVELOPMENT AUTHORITY, TRIVANDRUM.

R2 BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.B.S.SWATHY KUMAR
R3 BY SRI.K.A.JALEEL, SC., TRIDA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.41257/2000 IN O.P. NO.24366/2000

DISMISSED:

22.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE JUDGMENT DT.17.1.2000 IN O.P. NO.1582/2000 OF THE HON'BLE HIGH COURT OF KERALA.

P2: TRUE COPY OF THE RESOLUTION PASSED BY VATTIYOORKAVU GRAMA PANCHAYAT DT.4.4.2000.

P3: TRUE COPY OF ORDER DT.13.9.99 ISSUED BY GOVERNMENT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 24366 OF 2000

Dated this the 22nd day of March, 2007

JUDGMENT

O.P. is filed challenging Ext.P2 whereunder the Panchayat declined to grant permission to the petitioner to construct a home in four cents of property claiming to be her property. It is seen from Ext.P2 that permission was declined because petitioner did not establish her title over the property. The fact revealed by Ext.P2 shows that four cents of property claimed by the petitioner is part of 16.5 cents of land assigned to the petitioner's mother P Santhakumari Amma by the Land Tribunal. In fact the claim of the Panchayat is that the said land belongs to the Panchayat and Ext.P3 is the order issued by the Govt. interfering with the Land Tribunal's order in favour of the said P Santhakumari Amma on application filed by the Panchayat. It is stated in Ext.P2 that matter is pending in appeal before the Appellate authority against the order of the Land Tribunal. It is not known whether appeal is over. In any case, if the petitioner wants to construct a house in the property petitioner has to produce title deed and

possession certificate before the Panchayat for considering the same. If land was assigned by the petitioner's mother in whose favour Land Tribunal has issued certificate of purchase, then certainly petitioner is entitled to construct house and the Panchayat is bound to approve the plan. Petitioner is therefore directed to produce title deed and possession certificate from the Village Officer before the Panchayat for considering approval of plan for construction of house. Panchayat will verify the title deed and possession certificate and approve the plan if no stay is granted against the same in the land dispute pending before the appellate authority or Court under Land Reforms Act.

O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge